

REMARKS

Claims 1-11 have been examined and have been rejected under 35 U.S.C. § 112, second paragraph. Also, claims 1, 3, 5 and 7-10 have been rejected under 35 U.S.C. § 102(b) and claims 1-11 have been rejected under 35 U.S.C. § 103(a).

On December 15, 2010, the undersigned conducted an Interview with the Examiner. During the Interview, the thickness comparison of the claimed end and distance pieces was discussed. The Examiner indicated that the proposed amendment of claim 1, directed to the thickness comparison, may aid in distinguishing over the current rejection of claim 1. However, no agreement was reached since further consideration and search would be necessary. Additionally, the guide support portion of claim 2, along with the additional features related thereto as recited in claim 4, were discussed. In accordance with the Examiner's suggestion, Applicant has amended claim 4 to further clarify the cutout portion recited therein. The Examiner indicated that the features of claim 4 would be further considered.

Applicant submits that the above comments serve as a Statement of Substance of Interview.

I. Rejections under 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 1-11 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite.

Regarding claim 1, the Examiner maintains that the last two lines of the claim, with regard to “unit thickness,” are unclear. Accordingly, Applicant has amended claim 1 in a manner believed to overcome the rejection.

Claim 3 has been amended for clarification. Also, in order to overcome the antecedent basis issues with regard to claim 4, Applicant has amended the claim so that it depends upon claim 2 instead of claim 1.

With regard to claim 7, Applicant has incorporated the drum features of claim 1 therein for clarity reasons. Additional amendments of claim 7 have been made for reasons of clarity.

The Examiner has rejected claim 8 and maintains that it is unclear what portions of claims 1 and 7 are required. Since Applicant has positively incorporated all of the features of claim 1 into claim 7, claim 8 now only incorporates the features of claim 7 therein. Such incorporation is clear and allowable via the MPEP. In particular, as set forth in MPEP §2173.05(f), reference to a preceding claim to define a limitation is an acceptable claim format (examples are set forth therein). Applicant has also amended claim 8 for reasons of clarity.

Regarding claim 9, Applicant likewise refers the Examiner to MPEP §2173.05(f) which discloses that reference to a preceding claim to define a limitation is an acceptable claim format. For clarity, however, Applicant has amended claim 9 so that it directly incorporates the features of claim 1 rather than claim 7. A similar amendment has been made to claim 10 and claim 11 has been amended to put it in proper dependent form upon claim 10.

II. Rejections under 35 U.S.C. § 102(b) and 103(a) in view of U.S. Patent No. 3,776,802 to Mallory et al. (“Mallory”)

The Examiner has rejected claims 1, 3, 5 and 7-10 under 35 U.S.C. § 102(b) or 103(a) as allegedly being anticipated by Mallory and alternatively as being unpatentable over Mallory.

A. Claim 1

Applicant submits that claim 1 is patentable over the cited reference. For example, claim 1 recites, “said end pieces are thicker than said distance pieces in the width direction of the drum core.”

Mallory discloses a drum assembly 4 comprising numerous supporting members or blades 10 (Fig. 1a). The Examiner maintains that the blades 10 disclose the claimed distance and end pieces. Applicant submits, however, that since the blades 10 form the entire deck segments 8, i.e., both the end portions and center portions, the reference fails to disclose end pieces that are thicker than the distance pieces, as now recited in claim 1.

In regard to the foregoing, Applicant notes that the claimed thickness comparison provides certain advantages. For example, industrial tire standards, such as TRA, typically specify the minimum width of commercially produced tires (for example, the minimum width of a passenger vehicle tire with the tire profile of 60 and the rim size of 15 is 155 mm (155/60R15)). In the industrial tire standards, the increment of the width for a certain profile and a certain rim size is constant (for example, in the above-mentioned case, the increment is 10 mm, i.e., 155/60R15, 165/60R15, 175/60R15, 185/60R15...). In the present Application, such increment (10 mm, in this case) is referred to as a unit. When each of the end pieces has a width

of 77.5 mm ($= 155/2$), no distance piece is necessary for producing a tire with the minimum width (155/60R15), which means that the fewest number of components are used. For production of tires with larger widths, one or more distance pieces with a unit width (e.g., 10 mm) are used (one distance piece for 165/60R15, two for 175/60R15...), which simplifies the size change and can significantly reduce the cost and inventory of production components. Thus, the claimed thickness comparison is not merely a design choice.

At least based on the foregoing, Applicant submits that claim 1 is patentable over the cited reference.

Also, although the claimed thickness comparison is clearly shown in, e.g., Figure 5 of the present Application, the Examiner has requested that Applicant insert the specific recitations that were added to claim 1 into the detailed description of the Application as well. Accordingly, Applicant has amended the detailed description portion as requested. No new matter has been added.

B. Claims 3, 5 and 7-10

Applicant submits that claims 3, 5 and 7-10 are patentable at least by virtue of their dependency upon or incorporation of claim 1 or for at least analogous reasons as claim 1.

III. Rejections under 35 U.S.C. § 103(a) in view of Mallory and U.S. Patent No. 4,001,070 to Bell (“Bell”)

The Examiner has rejected claims 2 and 4 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mallory in view of Bell.

A. Claim 2

Applicant submits that claim 2 is patentable at least by virtue of its dependency.

B. Claim 4

Applicant submits that claim 4 is patentable at least by virtue of its dependency upon claim 1 via claim 2. Also, claim 4 recites a cutout portion (see element 61 of Fig. 5 of the present Application). The Examiner appears to cite to the Bell reference with regard to the claimed guide support portion. However, there is clearly no cutout portion formed on any alleged guide support portion of Bell to release engagement of a distance piece that is at the midpoint of a guide support portion in its longitudinal direction.

If the rejection of claim 4 is to be maintained, Applicant respectfully requests that the Examiner indicate which reference numeral is alleged to disclose the claimed guide support portion, as well as where the claimed cutout portion is provided in the alleged guide support portion. Even if Applicant assumes *arguendo* that either element 16 or element 69 of Bell forms a type of guide support portion, there is clearly no cutout portion that is provided at a midpoint of the guide support portion and that releases engagement of a distance piece without disengagement of an end piece.

IV. Rejections under 35 U.S.C. §103(a) in view of Mallory and U.S. Publication No. 2003/0170336 to Caretta et al. (“Caretta”)

The Examiner has rejected claims 6 and 11 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mallory in view of Caretta. Applicant submits that claims 6 and 11 are patentable at least by virtue of their dependency.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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